

ORDINANCE NO. 2020- \_\_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING CHAPTER 135-101 *et seq.* OF THE CITY CODE PERTAINING TO OIL AND GAS RULES AND REGULATIONS AND REPEALING SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the General Assembly granted the City of Aurora certain local authority to oversee oil and gas operations within its jurisdiction through the Colorado Oil and Gas Conservation Act, C.R.S. 34-60-101 *et seq.* and the Local Government Land Use Act C.R.S. 29-1-104(1)(h), both as amended; and

WHEREAS, certain rules and regulations are necessary for the proper oversight of oil and gas operations within the City of Aurora to protect the health, safety, welfare and environment, and wildlife; and

WHEREAS, the new oil and gas rules and regulations shall replace existing sections of the Unified Development Ordinance within the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-101 which section reads as follows:

**Sec. 135-101 – Oil & Gas Division**

**There is hereby created an Oil & Gas Division within the City of Aurora. The Oil & Gas Division shall be responsible for the effective administration of oil and gas operations within the City. The Oil & Gas Manager shall be immediately responsible to the city manager or the city manager’s designee for the effective administration of the Oil & Gas Division.**

Section 2. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-102 which section reads as follows:

**Sec. 135-102 – Rules and Regulations, Manual**

**(1) It shall be the duty of the Oil & Gas Manager to promulgate reasonable rules and regulations to facilitate the proper oversight of all oil and gas operations within the City of Aurora. Such rules and regulations may be referred to as the “Oil & Gas Manual”. The Oil & Gas Manual shall have full force and effect when**

**published as set forth in section 2-3. Any future modifications to the Oil & Gas Manual shall be promulgated pursuant to section 135-104.**

Section 3. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-103 which section reads as follows:

**Sec. 135-103 – Violations**

**(1) Except as otherwise provided in the Oil & Gas Manual it is unlawful to construct, install, or cause to be constructed or installed, any oil and gas location or oil and gas facility within the city unless approval has been granted by the City either by administrative approval or agreement. The unlawful drilling or redrilling of any well or the production therefrom is a violation of this section.**

**(2) It shall be unlawful to violate any provision of the Oil & Gas Manual. Each of the following actions, or inaction when action is required, is unlawful and is a violation of this section:**

**(a) Failure to comply with any standard, specification, regulation, requirement, or best management practice (BMP) set forth in the Oil & Gas Manual.**

**(b) Failure to comply with any condition attached to a permit or approval under the Oil & Gas Manual.**

**(c) Failure to prevent leaks, spills, and emissions, however, fines for such emissions shall be limited by C.R.S. 29-20-104, as amended.**

**(3) Any person violating any provision of this Chapter or the Oil & Gas Manual shall be subject to the penalties set forth in section 1-13. Each day a violation continues shall constitute a separate violation.**

Section 4. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-104 which section reads as follows:

**Sec. 135-104 – Modifications to Oil & Gas Rules and Regulations, Manual**

**(1) Prior to modifying the Oil & Gas Manual the Manager shall provide notice and written copies of such changes to the Oil and Gas Advisory Committee. The Committee shall provide written recommendation to the Manager after such presentation.**

**(2) After changes to the Oil & Gas Manual are presented to the Oil and Gas Advisory Committee the Council may call-up any proposed change to the Oil & Gas Manual pursuant to section 135-105. If such changes have not been called-up by the City Council by the second full City Council meeting after the changes have been presented to the Oil and Gas Advisory Committee the revised Oil & Gas Manual shall become effective pursuant to the section 2-3 requirements.**

Section 5. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-105 which section reads as follows:

**Sec. 135-105 – Call Up of Oil & Gas Rules and Regulations, Manual**

- (1) Any member of the City Council may move to call up the proposed changes to the Oil & Gas Manual.**
- (2) If the motion passes the proposed changes shall be brought before the City Council as soon as practicable following the date on which the proposed changes were presented to the Oil and Gas Advisory Committee.**
- (3) The City Council shall have the authority to approve the changes as presented or remand with further instructions regarding the proposed changes to the Oil & Gas Manual.**
- (4) If the motion does not pass, or the changes are not called up, the Oil & Gas Manager may proceed to modify the Oil & Gas Manual pursuant to section 2-3.**

Section 6. **That** section 146-3.3.5.DD of the City Code of Aurora, is hereby amended to read as follows:

**D.D. Every Oil and Gas Facility shall be subject to the rules and regulations set forth in the Aurora Oil & Gas Manual, as amended.**

**~~D.D~~ — **Oil and Gas Facility****

**~~1. Purpose~~**

~~The City Council declares that the purpose of this Section is to facilitate the development of oil and gas resources within the city limits and to mitigate potential land use conflicts between oil and gas development and existing and planned land uses. Nothing in this Section shall be construed as giving the City the authority to enforce state regulations. If it is established by competent evidence that a proposed oil and gas facility fails to meet the regulations in this Section, the permit for such facility may be denied.~~

**~~2. Permitted and Conditional Uses~~**

**~~a. Permitted Use~~**

~~A well site or oil and gas facility is a permitted use in any base zone district and any overlay district unless prohibited by state law, provided the exterior boundary of such site or facility is more than 1,000 feet from a platted residential lot, a platted lot line containing either a building unit or a high occupancy building unit, or a POS zone district, and the use complies with the requirements of this Section. Required separation distances shall be measured as stated in applicable state regulations.~~

**~~b. Conditional Use~~**

~~A well site or oil and gas facility is a conditional use in any zone district, subject to the requirements in Section 146-5.4.3.A (Conditional Use) where the exterior boundary of such well site or oil and gas facility is to be located 1,000 feet or less from a platted residential lot, a platted lot line containing either a building unit or a high occupancy building unit, or a POS zone district. Required separation distances shall be measured as stated in applicable state regulations.~~

**~~3. General Provisions~~**

**~~a. Continuance of Existing Wells~~**

~~Well sites and production sites that exist on the Effective Date of the regulations codified in this Section 146-3.3.5.DD, or that are later annexed to the city, may~~

~~continue operating without the issuance of an oil and gas permit, unless the area of the production site is expanded or new wells are drilled on the site. The construction or reconstruction does not require that accessory equipment in a production site or a well site conform to the development standards in this Section. The right to operate a well site or production site terminates if the use is discontinued for six months or more, other than by temporary abandonment or shut-in that is in conformance with COGCC regulations.~~

**~~b. Existing Accessory Equipment and Pumping Systems~~**

~~Accessory equipment and pumping systems that exist on the Effective Date of the regulations codified in this Section 146-3.3.5.DD or that are located within territory that is later annexed to the city may continue operating without the issuance of an oil and gas permit. Any renovation or repair of nonconforming accessory equipment or pumping systems shall be permitted without an oil and gas permit, provided the work does not increase the extent of nonconformity. Any replacement of existing accessory equipment or any addition of accessory equipment shall conform to this Section. The replacement or addition of individual tanks, treaters, or separators does not necessitate that the remaining accessory equipment, access roads, or a well site, conform to the development standards in this Section.~~

**~~c. Applicability of Section~~**

~~This Section shall apply to the permitting, construction, erection, maintenance, alteration, repair, and location of wells, accessory equipment, or structures within the city.~~

**~~d. Conflicts with Other Provisions~~**

~~Nothing in this Section 146-3.3.5.DD shall be construed to limit other applicable City ordinances that are not in conflict with this Section. If a conflict occurs between this Section and other regulations, this Section shall govern.~~

**~~e. Permit Required~~**

~~Subject to Subsections (3)(a) and (3)(b) above, it is unlawful for any person to drill a well or reactivate a plugged or abandoned well, operate a production site, or perform initial installation of accessory equipment or pumping systems unless an oil and gas permit has first been granted in accordance with the procedures in this Section. The initial permit shall allow twinning of a well and relocation of accessory equipment or gathering and transmission lines provided the activities comply with the development standards of this Section. If the twinning of a well or relocation of accessory equipment or gathering and transmission lines occurs, the operator shall file a revised plan with the Planning Director within 30 days. The revised plan shall show any changes from the approved oil and gas permit and demonstrate how the changes comply with the development standards of this Section. When an oil and gas permit has been granted for a well, reentry of the well for purposes of sidetracking, deepening, recompleting, or reworking does not require an oil and gas permit amendment. It is unlawful for any person to fail to perform all conditions required by an oil and gas permit.~~

**~~f. Granting of Permit for Unplatted Property~~**

~~An oil and gas permit for a well site or production site may be granted on unplatted property.~~

**~~g. Designation of Agent~~**

~~Every operator of any well subject to this Section shall designate an agent residing within the state to receive legal process, orders, and notices. Notice of a change in agent must be submitted by certified mail to the Planning Director within 10 calendar days of the change.~~

#### **h. Oil and Gas Permit Submittal Requirements**

An application for an oil and gas permit pursuant to this Section shall be filed with the Planning Department and must include all information required by the Planning Department, including:

- i. Site plan (proposed layout, access, landscape plan, fence, tanks, containment, colors, lighting plan, and haul routes, as well as existing easements, rights-of-way, and a depiction of all visible improvements within 500 feet of the well). Landscape and fence plans are required when a well pad is within 1500 feet of a platted residential lot or a platted lot line containing, a building unit or high occupancy building unit (as those two terms are defined in state law), or a City-owned park, reservoir, or golf course.
- ii. Context map (distance to nearest structures, how site fits in relation to adopted Master Plan).
- iii. Traffic impact study or memorandum, road haul routes, proposed mitigation.
- iv. Water quality control plan (drainage).
- v. Operations plan.
  - a. Source of water supply (City Council approval is necessary if water is supplied by the City).
  - b. Emergency response plan (including contact information with fire department).
  - c. Mitigation plan (hours of operation, lighting, noise, dust, weed control, fluid disposal, and reclamation).
  - d. Road maintenance agreement.
- vi. Completed application form, ownership (surface, mineral) authorization, and demonstration of interest in property.

#### **4. Development Standards**

##### **a. Setbacks**

Operators shall comply with all applicable COGCC regulations regarding setbacks.

##### **b. Production Site Containment**

Operators shall comply with all applicable COGCC regulations regarding production site containment.

##### **c. Visual Impacts and Aesthetics**

The following visual mitigation requirements shall apply to oil and gas well sites and production sites:

- i. To the maximum extent practicable, an existing or proposed well site and a production site shall be located away from prominent natural features such as distinctive rock and land forms, vegetative patterns, river crossings, land in the POS zone district, and other designated landmarks.
- ii. To the maximum extent practicable, a well site and a production site shall be located to avoid hilltops and ridges to prevent the appearance of pump jack and accessory equipment profiles on the horizon.
- iii. Electric pumping systems shall be required in areas where feasible.
- iv. No tanks located in a production site shall exceed 20 feet in height.
- v. To the maximum extent practicable, the applicant shall locate facilities at the base of slopes to provide a background of topography and natural cover.
- vi. To the maximum extent practicable, the applicant shall align access roads to follow existing grades and minimize cuts and fills.
- vii. All facilities shall be painted in uniform, non-contrasting, and non-reflective color tone similar to the Munsell Soil Color Coding System. The colors shall be

~~matched to land and not to sky and shall be slightly darker than the adjacent landscape, to the maximum extent practicable. Exposed concrete shall be colored to match the soil color to the maximum extent practicable.~~

- ~~viii. Electrical lines servicing pumping and accessory equipment shall be installed below ground only.~~
- ~~ix. After commencement of production operations, all excavation slopes, both cut and fill, shall be planted and maintained with grasses, plants, or shrubs for the purposes of adequate erosion control.~~
- ~~x. Upon abandonment, the site operations shall be cleaned, holes filled, equipment removed, and the land graded to return the site to its original condition as soon as weather and pit conditions will permit, consistent with applicable COGCC regulations. All such reclamation shall be completed within six months, unless an extension is granted by the COGCC.~~

**d. ~~Best Management Practices (BMP)~~**

~~BMPs are mitigation measures applied to areas being developed for oil and gas to promote energy development in an environmentally sensitive manner. Operators shall employ BMPs to the maximum extent practicable. As a condition of approval, BMPs may be required for conditional uses to ensure mitigation of land use impacts from a proposed well or production site on the surrounding area. BMPs may only be required where a finding is made based upon evidence at a public hearing that such requirement would not constitute an operational conflict with COGCC regulations. An operational conflict exists where imposition of the BMP would conflict with the application of state statutes and rules, or would materially impede or destroy the state interest as provided in the Act. BMPs include but are not limited to:~~

- ~~i. Closed loop systems instead of open pits.~~
- ~~ii. Recycling of flow back water on site.~~
- ~~iii. Vapor recovery systems instead of flaring of gases.~~
- ~~iv. Baseline water quality monitoring.~~

**5. ~~Access Roads~~**

**a. ~~Private Roads~~**

~~All private roads used to access an oil and gas production site shall be improved prior to the start of production activity and maintained according to the standards in this Subsection, which shall control in a conflict. Access roads to the production site shall be subject to review by the City Engineer in accordance with the City standards and specifications, and the following minimum standards:~~

- ~~i. A graded roadway conforming to the Aurora Roadway Design and Construction Specifications Manual, including provisions for positive drainage flow from the roadway surface. In addition, cross drainage of waterways shall be provided (in the form of roadside swales, gulches, rivers, and creeks) as prescribed by an approved drainage report and drainage plan.~~
- ~~ii. Maintained to provide a roadway passable for emergency vehicles and without irregular surfaces, deteriorated features, or obstacles that would delay the passage of emergency vehicles.~~

**b. ~~Access from Public Right of Way~~**

~~All proposed access roads to production sites that gain access off of a paved public right of way shall be improved as required in this Section. In addition, the point of intersection with the public right of way shall be improved to the following minimum standards:~~

- i. ~~An access width of 23 feet with paved 20 foot radii at each side of the access road at the point of intersection with the public right-of-way capable of sustaining an imposed weight limit of 185,000 pounds; and~~
- ii. ~~A minimum of six inches of asphalt pavement over the initial 100-foot portion of the proposed access road, beginning at the edge of the existing pavement of a paved public right-of-way.~~
- iii. ~~Any gating system crossing the primary access drive into the site must provide a minimum 23 foot opening width. A Knox lock or other approved Knox Hardware must be integrated into the gating system to allow for emergency access.~~

**e. ~~Truck Traffic Hours, Routes~~**

~~The hours and routes of truck traffic on public roads providing access to the well or production site shall be such that the trip capacity levels and road conditions are not impaired or damaged. Approval of a permit under this Section may be conditioned upon the designation of access routes and hours of hauling.~~

**d. ~~Traffic Impacts, Performance Bond~~**

~~The permittee shall be responsible for any damage to public roads caused by truck traffic accessing well sites. The permittee shall mitigate and repair damage to city roadways, culverts, and bridges that results from oil and gas facility construction and the traffic generation due to operation of the oil and gas facility. The applicant shall consult with the Director of Public Works, to determine such impacts, and may be required to enter into a road maintenance agreement, and post a performance bond or other security to fund the repair of public infrastructure as a condition on the issuance of the permit.~~

**6. ~~Additional Performance Standards~~**

~~All oil and gas well structures and equipment shall be maintained so that they do not become a hazard or injurious to public health and safety. In addition, the following performance standards shall apply:~~

**a. ~~Flood Hazard~~**

~~Unless otherwise stated in this Section, all wells and accessory equipment shall comply with all applicable provisions of Section 146-2.6.1 (FPO overlay district) pertaining to flood hazard regulations.~~

**b. ~~On-site Transport~~**

~~All oil or gas shall be transported from the well to the on-site treatment facilities and production pits by buried pipeline.~~

**c. ~~Air Emissions~~**

~~Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. §§ 25-7-101 *et. seq.*) and the rules and regulations promulgated by the State Air Quality Control Commission. The permittee shall employ such control measures and operating procedures as are necessary to minimize fugitive particulate emissions into the atmosphere.~~

**d. ~~Noise~~**

~~Operators shall comply with all applicable COGCC regulations regarding noise.~~

**e. ~~Wildlife Impact Mitigation; Natural Area Zones~~**

~~When a well or production site is located in a significant wildlife habitat, as defined by the Colorado Parks and Wildlife, or in a natural area or open space, as designated in the Comprehensive Plan or other applicable planning document, the applicant shall indicate as such and the applicant shall consult with the State Division of Wildlife or the City Parks, Recreation, and Open Space Department to obtain recommendations for appropriate site-specific and cumulative impact mitigation procedures. The~~

~~operator or owner shall implement the procedures recommended by the City after consultation with the State Division of Wildlife. The applicant shall not engage in activities that threaten endangered species, natural areas, or designated open spaces or parks.~~

**f. ~~Signs~~**

~~Each well and production site shall post a legible sign in a conspicuous place, which is three to six square feet in area. The sign shall bear the current name of the operator, a current telephone number including area code, where the operator may be reached at all times, name or number of the lease, and number of the well printed thereon. The sign shall warn of safety hazards to the public and shall be maintained on the premises from the time materials are delivered for drilling purposes until the well site and production site is abandoned.~~

**g. ~~Fencing~~**

~~Notwithstanding any provision of Section 146-4.7.9 (Fence and Wall Regulations) to the contrary, fencing shall be provided as follows:~~

- ~~i. Within all Residential zone districts, all pumping systems and accessory equipment used in the operation of a well shall be screened on all sides by a non-flammable privacy fence.~~
- ~~ii. If any part of a well pad is within 1,500 feet of a platted residential lot, a platted lot line containing either a building unit or a high-occupancy building unit, or a government-owned park, reservoir, or golf course, fencing shall be required. The fence shall be non-flammable, and shall be designed to screen the production equipment and provide security for the well site. The maximum height of the fence is nine feet. The specific material used for the fence shall be based on compatibility with adjacent development and visibility from surrounding residential development.~~
- ~~iii. Access through the fence shall be provided by a solid gate that preserves the integrity of the screening. The access gate shall be securely locked to prevent access by unauthorized persons.~~

**h. ~~Landscaping~~**

~~All facilities shall comply with those landscaping, buffering, and screening requirements in Section 146-4.7.5.N (Oil and Gas Well Sites and Facilities).~~

**i. ~~Lighting~~**

~~Lighting shall be downcast, and shall not shine beyond the boundaries of the drilling operation or oil and gas facility.~~

**j. ~~Ponds and Modular Large Volume Tanks~~**

~~The use of uncovered ponds and modular large volume tanks for storage of liquids associated with the drilling or stimulation of wells is permitted on a temporary basis. All ponds and modular large volume tanks must be removed once the drilling phase and the completion phase of the well is finished.~~

**k. ~~Compatibility with Approved Master Plans~~**

~~The location and operations of the oil and gas facility shall be compatible with the approved Master Plan for the subject property.~~

**7. ~~Notice to Purchasers~~**

- ~~a. A seller of real property upon which an oil or gas well or facility has been located shall provide written notice of the existence of such well to a purchaser of such real property prior to the closing of the sale. The seller shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:~~

**~~Notice: The property known as [legal description and address] contains an oil and/or gas well.~~**

~~This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property.~~

- ~~b. Vendors of residentially zoned real property within a state determined setback shall provide the following notice to prospective purchasers in 14 point bold type on a single sheet of paper that is signed by the prospective purchaser prior to entering into a contract for purchase:~~

**~~Notice of nearby oil and gas facility.~~**

**~~This property is located within a state determined setback from an oil and gas facility.~~**

~~Vendors of residentially zoned real property within a state determined setback from an oil and gas facility shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:~~

**~~Notice~~**

**~~The property known as [legal description and address] is located within a state determined setback from an oil and gas facility.~~**

~~This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property.~~

Section 7. That section 146-4.6.3.C, Table 4.6-1 of the City Code of the City of Aurora  hereby amended to read as follows:

<b>Table 4.6-1 Required Off-Street Parking</b>		<small>sf. = square feet gfa = gross floor area</small>
<b>Number Required</b>	<b>Category</b>	<b>Required Parking</b>
	Mining Oil and Gas Facility Railroad Track Transit Facility Electric Power Generator Station Solar Collector as a Primary Use Telecom Facility, Tower Telecom Facility, Freestanding Monopole Telecom Facility, Freestanding Unipole Telecom Facility, Freestanding, Stealth Utility, Major Utility, Minor Wind Energy System, Large Bio-medical Waste Treatment Facility	No Parking Requirement

Section 8. The City hereby repeals section 146-4.7.5.N of the City Code pertaining to oil and gas well sites and facilities:

**~~N.—Oil and Gas Well Sites and Facilities~~**

~~If any part of the well pad is located within 1,500 feet of a platted residential lot, arterial or collector street frontage, a platted lot line containing either a building unit or a high occupancy~~

~~building unit, or a park, open space, reservoir, or golf course, the well pad shall be landscaped. The applicant/oil and gas operator shall be responsible for installing the required landscaping unless they have a surface use agreement that transfers the responsibility to the landowner. Required landscape screening and buffering includes all of the following:~~

- ~~1. An earthen berm located around the perimeter of the fence and planted with turf grass or appropriate ground cover material.~~
- ~~2. Installation of ground covers, trees, and shrubs for screening and aesthetic purposes. The buffer shall be at least 25 feet wide and planted with one tree and five shrubs for each 25 linear feet of buffer. At least 50 percent of the trees shall be evergreen species.~~
- ~~3. Natural screens shall be used in the facility design to the maximum extent practicable.~~

Section 9. That section 146-4.7.9.O of the City Code of the City of Aurora, Colorado is hereby amended to read as follows:

**0. Screening of Outdoor Storage, Equipment, Asphalt, Concrete, Landscape Yards, Surface Parking Lots, ~~Oil and Gas Facilities, Substations or Pump Stations~~**

**1. Permitted Materials**

Permitted materials include the following, all of which must be opaque:

- a. Walls consisting of brick, stone, and integrally colored decorative concrete masonry units (CMUs);
- b. Decorative and durable pre-cast concrete panels
- c. Composite wood
- d. Closed style wood fences

**2. Prohibited Materials**

Color clad, welded wire, chain link, Omega or similar welded wire may not be utilized to meet screening requirements.

Section 10. The City hereby repeals section 146-5.4.3.A.4 of the City Code pertaining to oil and gas permit procedures and review criteria; notice; appeal:

**4. ~~Oil and Gas Permit Procedures and Review Criteria; Notice; Appeal~~**

**a. ~~Applicability~~**

- ~~i. The application for oil and gas drilling or operation of a production site in a location more than 1,000 feet from a platted residential lot, a platted lot line containing either a building unit or a high density building unit, or a government-owned park, reservoir, open space or golf course shall be submitted to the Planning Director. The Director shall issue the oil and gas permit for drilling if it is determined that the application complies with the requirements of this Section 146-5.4.3.A.4.~~
- ~~ii. An application for drilling or operation of a production site in a location less than 1,000 feet from a platted residential lot, a platted lot line containing either a building unit or a high density building unit, or an existing or proposed City owned park, reservoir, open space, or golf course shall be submitted to the Planning and~~

Zoning Commission for consideration at a public hearing. The applicant, abutting property owners, the surface owner, and any interested party may be heard.

**b.—Notice**

Notice of the application shall be mailed by the applicant to property owners within one-half mile, to registered neighborhood groups within one mile, and to the surface owners of the subject property at least 10 calendar days prior to a decision by the Planning Director or Planning and Zoning Commission.

**c.—Criteria for Approval or Denial**

**i.—Approval**

An oil and gas permit for a well drilling site or production site shall be approved or approved with conditions if the application conforms to the requirements of this Section and complies with:

- a.—The submittal requirements;
- b.—The provisions, development standards, and performance standards of this Section; and
- c.—The applicable requirements of the fire code and City storm drainage criteria manual, and storm water quality criteria approved by the Director of Water and the Director of Public Works.

**ii.—Denial**

An application for an oil and gas permit for a well drilling site or production site shall be denied if:

- a.—The application does not meet the requirements listed in this Section.
- b.—The applicant has failed to comply or otherwise violated the terms and conditions of a previous permit or has failed to make any mitigation or damage payments to the City required by a previous permit.

**d.—Failure to Comply with the Conditions**

Failure to comply with the conditions imposed on a permit shall be grounds for revocation of the permit. Notice of an alleged violation of conditions shall be provided to the permittee, who may request a hearing before the City Council on the alleged violation.

**e.—Appeals**

**i.—From Planning Director**

Any administratively approved well permit application, interpretation, or decision of the Planning Director concerning this Section may be appealed by an applicant, by the owner of the subject property, or by the owner of a property that abuts the subject property. The notice of appeal must be filed with the City Manager within 14 calendar days of the director's decision. Such appeal shall specifically state the grounds for the appeal. If an appeal is filed, the Planning and Zoning Commission shall schedule a public hearing according to the procedures described in Section 146-5.3 (Common Procedures). The Planning and Zoning Commission shall review the appeal based on the various requirements of this Section 146-5.3.13 and shall ensure that the intent and specific requirements of this UDO are met. At the conclusion of the hearing, the Planning and Zoning Commission shall approve, approve with conditions, or deny the permit.

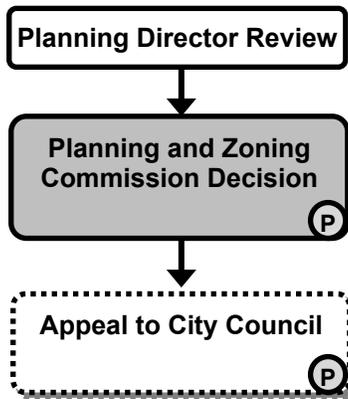
**ii.—From Planning and Zoning Commission**

A decision by the Planning and Zoning Commission may be appealed to the City Council provided such appeal is received by the Planning Director within 14 calendar days after the Planning and Zoning Commission's action on the permit. Such appeal may be filed by the applicant or any abutting property owner and

~~shall specifically state the grounds for appeal. The City Council shall hold a public hearing on the application. At the conclusion of the hearing, council shall approve, approve with conditions, or deny the permit.~~

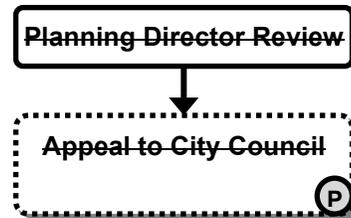


**Conditional Use**  
(including Oil and Gas Permit  
1,000 or less from Listed  
Sites and Uses)



**(P)** Indicates Public Hearing Required

**Conditional Use**  
for Oil and Gas Permit  
more than 1,000 feet from  
Listed Sites and Uses



**(P)** Indicates Public Hearing Required

Section 11. That section 146-5.4.3.B of the City Code of the City of Aurora, Colorado is hereby amended to read as follows:

**B. Site Plans**

All applicable provisions of Section 146-5.3 (Common Procedures) apply unless specifically modified by the provisions of this Section 146-5.4.3.B. ~~Oil and gas wells are processed under the provisions of Section 3.3.5.DD and are not subject to this Section.~~

Section 12. That the definitions set forth below from section 146-6.2 of the City Code of the City of Aurora, Colorado are hereby amended to read as follows:

## Natural Gas Facilities

Facilities, including but not limited to lines and regulator stations, that distribute, convey, or transmit natural gas. This definition does not include an oil and gas facility.

## Oil and Gas Facility

As used in the context of oil and gas regulations in Section 146-3.3.5.DD, the following terms have the following meanings:

1. ~~*Accessory Equipment*~~

~~Any equipment that is integral to the production and operation of an oil or gas well, including but not limited to tanks, treaters, separators, and production pits.~~

2. ~~*Act*~~

~~The Colorado Oil and Gas Conservation Act, C.R.S. §§ 34-60-101 et. seq., as amended.~~

3. ~~*Building Unit*~~

~~The meaning as set forth in the COGCC regulations.~~

4. ~~*Berm*~~

~~An earthen barrier of compacted soils preventing the passage of liquid materials or providing screening from adjacent uses as may be specified in an applicable development standard.~~

5. ~~*COGCC*~~

~~The Colorado Oil and Gas Conservation Commission.~~

6. ~~*COGCC Regulations*~~

~~The rules and regulations promulgated by the COGCC and codified at 2 C.C.R. Title 404, as amended.~~

7. ~~*Designated Agent*~~

~~The designated representative of any producer, operator, transporter, refiner, or gasoline or other extraction plant operator or owner.~~

8. ~~*Distance from a well site to a platted residential subdivision, platted lot line containing either a building unit or high density building unit*~~

~~The distance from the edge of the well pad (graveled area not including access road) to the nearest platted residential lot line, or a platted lot line that contains a building unit or a high density building unit.~~

9. ~~*Gas*~~

~~All natural gases and all hydrocarbons not defined in this Article 146-6 as oil.~~

10. ~~*High Occupancy Building Unit*~~

~~The meaning as set forth in the COGCC regulations.~~

11. ~~*Injection Well*~~

~~Any hole drilled into the earth into which fluids are injected for purposes of secondary recovery, storage, or disposal pursuant to authorizations granted by the COGCC.~~

12. ~~*Oil*~~

~~Crude petroleum oil and any other hydrocarbons, regardless of gravities, that are produced at the well in liquid form by ordinary production methods, and that are not the result of condensation of gas before or after it leaves the reservoir.~~

13. ~~*Oil and Gas*~~

~~Oil or gas or both oil and gas.~~

14. ~~*Oil and Gas Well*~~

~~A hole drilled into the earth for the purpose of exploring for or extracting oil, gas, or other hydrocarbon substances.~~

15. ~~Oil and Gas Facility~~

~~Equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas.~~

16. ~~Operating Plan~~

~~A general description of an oil or gas well facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operation, source of services and infrastructure, and any other information related to regular functioning of that facility.~~

17. ~~Operator~~

~~The person designated as operator and named in GOGCC form 2 or a subsequently filed GOGCC form 10.~~

18. ~~Owner~~

~~Any person with a working interest ownership in the oil and gas or leasehold interest therein.~~

19. ~~Platted Residential Subdivision~~

~~A subdivision that has been approved and recorded and is located in a zone that allows residential uses.~~

20. ~~Production Pits~~

~~Those pits used for initial settling, temporary storage, or disposal of produced water by permeation or evaporation after drilling and initial completion of the well.~~

21. ~~Production Site~~

~~That surface area immediately surrounding proposed or existing production pits, or other accessory equipment necessary for oil and gas production activities, exclusive of transmission and gathering pipelines.~~

22. ~~Tank~~

~~Any container used in conjunction with the production or storage of petroleum and hydrocarbon substances, stored at or near atmospheric pressure.~~

23. ~~Treatment Facilities~~

~~Any plant, equipment, or other works used for the purpose of treating, separating, or stabilizing any substance produced from a well.~~

24. ~~Twining~~

~~The drilling of a well adjacent to or near an existing well bore when the existing well cannot be drilled to the objective depth or produced due to an engineering problem such as collapsed casing or formation damage.~~

25. ~~Well~~

~~An oil and gas well or an injection well.~~

26. ~~Well Site~~

~~That surface area of a proposed or existing well or wells and its pumping systems.~~

Section 13. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 14. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 15. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repeal shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
SUSAN BARKMAN, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
IAN BEST, ASSISTANT CITY ATTORNEY